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For your (and everyone else's) eyes only.

# THE DEATH OF THE STATE SECRET

BY DALE VAN ATTA

**N**O MORE hypocritical hokum has made the headlines recently than Defense Secretary Caspar Weinberger's charge that a *Washington Post* scoop last December on the military's space shuttle launch of a spy satellite gave "aid and comfort to the enemy." There was nothing in the *Post* article the KGB could not have discovered from public sources and its own intelligence-gathering satellites. On the other hand, Weinberger himself on any number of occasions has been known to override the "national security" arguments of intelligence analysts, and to publicly release "Top Secret" information on Soviet military capabilities.

The state secret is dying, and although Weinberger would like to believe that irresponsible journalists have hastened the process, the truth is that federal officials—and President Reagan himself—must share a large part of the blame. More than any other president in recent history, Reagan has presided over a hemorrhage of "national security" disclosures, in television speeches, official publications, and leaks. For all of his professed concerns about guarding state secrets and his efforts to muzzle overly talkative government employees, the president has displayed overhead U.S. spy photos of other countries and approved the publication of at least 25 drawings and doctored satellite photographs.

To be sure, there are other reasons for the waning of the state secret than the calculated indiscretions of policymakers. First, classified information is poorly protected. Although millions of dollars have been spent in background investigations on persons who seek clearances, and mil-

lions more to physically secure intelligence documents, the government is powerless to prevent an individual from selling secrets, nor can it make up for human absent-mindedness or tension under duress. Second, a growing number of people share the secrets, which of course diminishes the value and protection of them. The General Accounting Office, in a series of little-noticed reports since 1979 on the management of classified information, has estimated that as of January 1, 1983, at least four million federal and civilian contractor employees held clearances to see classified information. This doesn't count CIA and National Security Agency employees, nor does it include those—like me, an investigative reporter—who have "unauthorized access" to classified documents. Third, and most significant, the rubber stamp has been widely misused for millions of bits of information that have no business being classified, which erodes respect for real secrets. In a 1981 study, the GAO reported that a randomly selected sample of 496 documents included 444—or about 90 percent—that were marked improperly in one or more ways.

Amid the tens of thousands of secret items to which I have had access, very few of those classified "Confidential" or "Secret" appeared to contain national security information. Most of the thousands of "Top Secret" pages I perused did contain at least one hot item. In this category are specially classified documents delineated by code words after the TS—"Top Secret"—marking. There are hundreds of code words, and though their very existence is classified, the cover on a number of them has been blown. At one U.S. spy trial, both "Umbra" and "Ruff," referring to communications and satellite intelligence, were acknowledged. TK, or "Talent Keyhole," denotes information from the KH, or "Keyhole," series of satel-

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lites; "Chess" marks U-2 and SR-71 overhead photographs; and "Epsilon" is attached to information gleaned by bugging the foreign embassies of allies like Great Britain, France, Canada, Lebanon, and Saudi Arabia.

However, bonafide super secrets are rare. Of 18 million "classification decisions" in 1983, it is estimated that only 3 percent were classified "Top Secret." The other 97 percent were classified "Confidential" and "Secret," and probably do not deserve the national security classifications they bear, nor the attendant threat that unauthorized disclosure "could result in criminal sanctions." But such an overload of classified nonsense is inevitable in a system that empowers two-and-a-half million federal employees to classify documents.

I have identified six ways that the rubber stamp is abused. They bring to mind the words of U.S. Supreme Court Justice Potter Stewart in the *Pentagon Papers* decision: "When everything is classified, then nothing is classified, and the system becomes one to be disregarded by the cynical or the careless, and to be manipulated by those intent on self-protection or self-promotion."

(1.) *Embarrassing Omissions.* Despite executive orders that have banned classifying information "to prevent embarrassment to a person, organization or agency," this abuse continues. For instance, in August 1982, the CIA completed a report, "Outlook for the Siberia-to-Western Europe Natural Gas Pipeline" (S/NF/NC), which was rather ticklish for President Reagan. It said, in effect, that Reagan's sanctions against the pipeline's construction rep-

resented a policy of impotence. "We believe," the CIA concluded, "using some combination of Soviet and West European equipment, deliveries through the new export pipeline could probably begin . . . about one year later than if the sanctions had not been imposed." The report was kept tightly guarded for fear that Congress or our European allies, who had been hurt by the sanctions, might use it to force Reagan to back down.

Many Pentagon reports address the abysmal readiness of the U.S. military, but few are available for public consumption. Examples include Pentagon reports that nine out of 16 active Army divisions in 1981 were rated marginally combat-ready or not combat-ready at all (C—"Confidential"); that 90 percent of the men and women who maintain and operate the Army's nuclear weapons in Europe flunked basic skills tests (S—"Secret"); or that "overall readiness of the Pacific Fleet is assessed as marginally combat-ready and declining" (S). My favorite is a Pentagon war game report (TS), in which every possible favorable advantage for NATO was programmed into a computer. Yet by the fifth day of the imaginary war, "the Warsaw Pact had penetrated past the NATO forward general defense positions. On Day 19, the Warsaw Pact broke through NATO's rear defensive line and started moving rapidly westward. Finally, the war game was terminated on Day 24 when NATO was unable to maintain a cohesive defense."

(2.) *Illusions of Importance.* Ego is often a reason for abusing the rubber stamp. What U.S. official involved in foreign policy or military matters does not think what he is

## A GLOSSARY OF TERMS

*The argot of classification requires a glossary for the uninitiated. The following is an explanation of only the most frequently used terms:*

(C) Confidential: information the unauthorized disclosure of which reasonably could be expected to cause damage to national security.

(S) Secret: disclosure would cause "serious" damage.

(TS) Top Secret: disclosure would cause "exceptionally grave" damage.

(SCI) Sensitive Compartmented Information or "code word" intelligence designated by words such as "Umbra" and "Ruff" intended to limit access to special intelligence more sensitive than Top Secret.

(WNINTEL) Warning Notice: Sensitive Intelligence Sources and Methods Involved.

(NC or NOCONTRACT) Information not releasable to government contractors or consultants.

(OC or ORCON) The originator of the classified report alone controls its dissemination or information extracted from it.

(NFD, NF, or NOFORN) "No Foreign Dissemination" or "Not Releasable to Foreign Nationals." Exceptions for release to specific countries are noted on the document, the most frequent exceptions being Great Britain, Canada, Australia, New Zealand, and Israel.

(RD) Restricted Data: a Department of Energy designation regarding the (1.) design, manufacture, or utilization of atomic weapons, (2.) production of special nuclear material, or (3.) use of special nuclear material in the production of energy.

(FRD) Formerly Restricted Data: information which the D.O.E. and Department of Defense jointly determine relates primarily to the military use of atomic weapons and can be adequately safeguarded as defense information.

(NODIS) No Distribution to other than the addressee without the approval of the executive secretary of the State Department.

(EXDIS) Exclusive Distribution in State Department to persons with an essential "need to know."

(LIMDIS) Limited Distribution to offices and agencies with a "need to know."

(FOR YOUR EYES ONLY) Only the person intended to receive the report may read it—a charming James Bondish stamp but not a national security designation.

(OUO, LUO, and BUO) Official Use Only, Limited Official Use and Background Use Only—not national security designations.

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doing is somehow vital to national security and should be classified? William Safire once jokingly confessed that, when he served as a speechwriter for President Richard Nixon, he typed "TS/Sensitive/NC/NF" across the top of his draft of a 1969 speech on Vietnam. He explained that this was "to keep every staff aide and his brother from fiddling with my prose." But the plot backfired. Three days after Safire sent the speech to Nixon, Chief of Staff Bob Haldeman called and said the speech needed work, "but we can't let you have it. You're not cleared for Top Secret/Sensitive/Nocontract/Noform."

**S**ECRECY LURES the mighty and the humble to imbue their thoughts and actions with an extra aura of classified importance. Former Secretary of State Henry Kissinger, the man who ordered wiretaps on his closest aides to track down "leaks," frequently used the "Roger Channel," a heavily encrypted communications system which neither the CIA nor the State Department hierarchy could read. He often sprinkled the holy water of secrecy on the most meaningless and inconsequential information. Ten "Memorandums of Conversation of the Secretary of State" from 1976 remain classified. Kissinger restricted access to the "Memcons" to only two of his subordinates. Here is a sampling:

To Morocco's Special Emissary of the King, Mohamed Karim Lamrani, on January 29: "... many of our Congressmen ... remind me of the sophomores I had in my classes when I was a professor. ... I had a Senator today who asked me why we could not tell the Soviets that we would defend Europe and Japan and forget the rest of the world. ... The man who said that was an idiot." (S/NODIS)

To U.S. Ambassador to Ghana Shirley Temple Black, March 3: "Twelve days in Africa will drive me to drink. I have yet to meet a Foreign Minister with whom I have more than 45 minutes of real conversation. ... [After Mrs. Black mentioned several Ford administration luminaries] I told the President this morning that never has history been made by so many mediocrities. Well, if that is our style that is what we must do. ... I am Gemini ... that means I am two-faces." (C/NODIS)

(3.) *After the Talking's Over.* When diplomatic negotiations are conducted publicly, they often disintegrate into propaganda and posturing. But once the agreement has been completed, why keep them secret? The letters and exchanges between the United States and the Soviet Union in 1962 following the Cuban missile crisis have been locked up so tight at the State Department that until recently, requests for full disclosure by Congress and even several presidential administrations were never honored. The only sensitive fact—and a historical one at that—which emerges from reading the documents is that President John F. Kennedy did not obtain an airtight agreement from the Soviets about nuclear weapons deployment in Cuba. It is inexcusable to continue to hide as "Top Secret" these documents on a 22-year-old agreement to which the United States and its people may be bound.

The same is true for the SALT I and SALT II negotia-

tions, and others of their kind. Some of the same TS information I have been leaked was freely given to "the enemy" across the table during arms control negotiations. The U.S. negotiators argue that providing the CIA's best estimate of Russian weapons systems is essential to reaching an agreement on the nature and number of Soviet arms which need limiting. (As a final irony, senior Soviet negotiators have considered the CIA intelligence so accurate that they would sometimes ask their juniors to leave the room—the underlings were not cleared to know the details of their own forces.)

(4.) *Sibling Rivalry.* The different American intelligence services compete for espionage coups, budget, and attention from the president with such fervor that some documents are generously decorated with special classifications designed to keep competing agencies from seeing them.

The director of the CIA is supposed to convince the different agencies to pull together. But unless he comes up from the CIA ranks, he is unlikely even to know what's going on in his own agency. The CIA's clandestine services division so severely restricts its operational information from CIA intelligence analysts that it is not unusual to have a CIA-instigated event in a foreign country be reported by CIA analysts as if it was a spontaneously indigenous occurrence.

While the Air Force fights a turf battle with the CIA over control of spy satellites, the Army is at odds with the agency over who has the exclusive right to run commando-style covert action. Only the Navy has a close relationship with the CIA, occasionally doing the CIA's dirty work. The reward has been access to special intelligence and programs. For instance, when the 1960s secret war against Cuban Premier Fidel Castro ran down, the CIA gave the Navy cost-free both its newly developed speedboats and the "Day of the Dolphin" program that trained dolphins to place explosives under enemy ships. This is still classified.

(5.) *Fiscal Foolishness.* Far too much fraud, waste, and abuse in military and intelligence programs is swept under the national security carpet. "It's classified" is the favorite "no comment" of the Pentagon when asked about failed American weapons, other waste, or even general budgetary information. Nearly every expenditure of intelligence agencies, from buildings to bug sprays, is classified. In fact, the very existence of some intelligence units or agencies (like the Air Force's spy-satellite-operating National Reconnaissance Office) is classified.

From the few examples reported by whistle-blowers willing to risk jail (because the information is classified), it can be inferred that there is tremendous waste. For instance, there was the intelligence community's attempt in the early 1970s to find out the caliber of the cannon on the Soviets' latest tank, the T-72. Knowledgeable intelligence sources report that the CIA, DIA, and NSA shelled out \$18 million in salaries, satellite, and spy money—before the British provided the DIA with the answer, after expending a mere \$400. (This was the cost of a replacement lock they installed as they were secretly exiting an East

German tank storage depot after they had gauged the gun caliber, and also lifted the T-72's operating manual.) One French military attaché in Moscow accomplished nearly as much at no cost. He simply told a Soviet military officer how much he admired the new T-72 tank. The chest-swelling Russian gave the French attaché a VIP tour of a tank base, showed him the gun, the ammunition, and even the inside of the cockpit, and then took the Frenchman to dinner.

(6.) *Out-of-Sight Sights*. Diplomatic sensitivity accounts for the classification of many reports which are no more secret than a report filed the same day from the same foreign capital by a correspondent for *The New York Times*. The members of the "U.S. Embassy Intelligence Group" meeting on November 3, 1983, in Buenos Aires offered no surprises about the post-election future of Argentina in their discussion (S). But the Argentines might have been touchy about the American analysts' predictions being made public. For the same reason, according to a sampling of classified reports, there was no sense in publicly stating that Peking was turning to the West "for technological assistance to modernize its armed forces" (S), that Australia, "in support of U.S. policies . . . contributes naval deployments and aviation patrols in the Indian Ocean" (C), or that "French nuclear-strike aircraft . . . might be committed to NATO" (S).

One of the most revealing examples appears in the transcript of a meeting Secretary of State Henry Kissinger had with Argentine Foreign Minister Raul Quijano on February 12, 1976, at Argentina's embassy in Washington. In it Kissinger referred to the famous interview he had with the Italian journalist Oriana Fallaci ("Kissinger," *TNR*, December 16, 1972), in which he likened himself to "the cowboy entering a village or city alone on a horse." Headline writers began referring to Kissinger as the "lone cowboy," and cartoonists played with the image of the portly statesman as the Lone Ranger of the Nixon administration. At the time, Kissinger told reporters he had agreed to the rare on-the-record session because of Fallaci's impressive interviews with Indira Gandhi, King Hussein, and Vietnamese General Vo Nguyen Giap. But this was not the story he told Quijano, according to the transcript (C/NODIS): "The only reason I agreed to the interview was that I saw a picture of her in a book and she looked attractive, so I wanted to meet her." He was disappointed for two reasons. One was that Fallaci had not described him as "a combination of Charles de Gaulle and Disraeli." The second was that he found her "a dumpy little girl, totally unattractive."

**S**TILL, all of this said, there seems to be little question that one of the most flagrant abusers of the rubber stamp is the man who is ostensibly most concerned about that abuse: President Reagan. At the same time that Reagan is issuing stern proclamations about unauthorized disclosures, he is himself authorizing what ex-Senator Walter D. Huddleston of Kentucky correctly labeled "selective disclosure of national security information to promote one side of the debate." Examples include the release

of raw intelligence in the early 1981 "white paper" on El Salvador, allegedly demonstrating that the Cubans were supplying arms to Salvadoran guerrillas; a December 1981 television speech in which he revealed that the proclamations for martial law in Poland were printed in the Soviet Union the previous September; State Department reports in 1982 and 1983 declassifying sensitive intelligence on "yellow rain" attacks in Southeast Asia; and the March 1983 television address in which Reagan displayed four aerial photographs taken over Cuba, Nicaragua, and Grenada to prove that the Communist threat was growing in Central America and the Caribbean.

**T**HE WORST examples of Reagan's selective disclosure are a series of slick booklets called *Soviet Military Power*, published by the Pentagon, in part to influence military appropriations requests in Congress. A month before the 1983 issue came out, the Joint Chiefs finished a classified "military posture" statement, containing national security information about the Soviets. By definition, its premature disclosure would cause "serious" damage to national security. Yet most of the "secrets" were disclosed less than a month later in the slick March 1983 *SMP*.

For example, the JCS report classified the numbers of each specific intercontinental ballistic nuclear missile the Soviets had deployed. But a month later, the *SMP* public document included not only the same numbers but two convenient maps showing the residence by city name of most of these missiles. The JCS report labeled "Secret" an increasing emphasis in the Soviet bloc on the ground attack role of new aircraft "such as the SU-25." A month later, *SMP* publicly referred to "the formidable SU-25/Frogfoot ground attack aircraft" on five separate pages, providing details on the plane's speed, radius, wingspan, and armament—and including a two-page color drawing of the plane in action over Afghanistan.

These revelations come at a time when Secretary of State George Shultz is publicly stating that people who reveal "highly classified, sensitive information should be tossed in jail" because the leaks "sometimes make it difficult for the government to execute its policies successfully." Reagan is now attempting to impose a new regime of secrecy on unauthorized declassifications. He has issued a new, more restrictive executive order, promoted new laws to punish the publishers of secrets, applauded underlings in the executive branch who find crafty ways to slip and slide around the Freedom of Information Act, and wired up dozens to lie detectors. Finally, as a condition of government employment, he has forced tens of thousands of the secrets' caretakers to sign away their free speech rights for life in "nondisclosure statements."

The contrast between these new regulations and Reagan's own offhand leaks has angered dozens of government employees enough that they now dial a reporter and let the "secrets" flow. Some have been calling me, disclosing to a journalist they don't even know what they once wouldn't whisper to their spouse in the privacy of their own bedroom at night. □